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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the rock of our salvation, teach us to live as contemplative activists, reflecting Your sacred guidance and obeying Your commands.

Remind our lawmakers that You direct the steps of good people, leading the faithful to the destination You have chosen. Lord, stir the hearts of our Senators until they possess a holiness that strives to carve tunnels of hope through mountains of despair.

We offer You our hearts, mighty God, for we trust Your prevailing and loving providence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDENT pro tempore. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATION OF JANET LOUISE YELLEN

Mr. SCHUMER. Madam President, this week, the Senate will continue confirming President Biden's highly qualified and history-making nominees.

In a few hours we will hold a vote on Janet Yellen to serve as the next Secretary of the Treasury. Janet Yellen, of course, is no stranger to this Chamber. She has been confirmed by the Senate no fewer than four times and was reported favorably to the floor by a unanimous vote of the Finance Committee on Friday.

The bipartisan support of Ms. Yellen's multiple nominations reflects her breathtaking range of experience and just how well suited she is to manage the economic challenges of our time. Ms. Yellen, I am proud to report, is a native of working-class Brooklyn, the daughter of a schoolteacher and physician, raised during the Great Depression. She went to Fort Hamilton High School, one of James Madison High School's rivals. A graduate of Brown and Yale, Ms. Yellen has taught economics at some of the world's most prestigious universities. Of course, Janet Yellen is best known for her tenure as Chair of the Federal Reserve, overseeing a period of falling unemployment and steady economic recovery from the global financial crisis.

Few people possess the experience and expertise that Ms. Yellen would bring to the Treasury, particularly during this moment of economic crisis. At the Treasury Department, there are long hallways on the third floor where the portraits of all 77 Treasury Secretaries hang—all of them men, all the way back to Alexander Hamilton, the first Secretary. I am thrilled today to vote to confirm the first woman to ever hold the position of Treasury Secretary and someday add her portrait to that hallway.

On that note, I would add it was a great pleasure to read the Biden ad-

ministration's announcement today that the Treasury Department plans to speed up the plans to add the portrait of Harriet Tubman to the \$20 bill. This is an issue I have long championed and something that should have been done a long time ago. I feel particularly strong about it since Harriet Tubman was an Auburn, NY, resident, and our office worked for years to successfully make her home in Upstate New York a national historic monument.

I am glad the Biden administration is reversing the Trump administration's foot-dragging. It is the kind of thing they did—no excuse, no reason, just didn't do it. But now the Biden administration is reversing the Trump administration's foot-dragging and will press forward with plans to circulate new currency celebrating Harriet Tubman's life and legacy.

After Ms. Yellen's confirmation tonight, the Senate will continue to process nominations to President Biden's Cabinet for the Secretaries of State, Homeland Security, and Transportation. With cooperation, the Senate could complete both confirmations this week. Again, those are the Secretaries of State, Homeland Security, and Transportation, in addition to Treasury this evening.

I remind my colleagues that President Trump had his Secretary of Homeland Security installed on Inauguration Day. We cannot allow our national security and our domestic security to be compromised in any way by the prolonged delay of Mr. Mayorkas' nomination.

IMPEACHMENT

Mr. SCHUMER. Madam President, as I announced on Friday, the Republican leader and I have come to an initial agreement about the timing of the impeachment trial of Donald Trump. This evening, managers appointed by the House of Representatives will deliver

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S113

to the Senate the Article of Impeachment and will read the article here in the well of this Chamber.

Tomorrow, Senators will be sworn in as judges and jurors in the impending trial, and the Senate will issue a summons to former President Trump. After that, both the House managers and the former President's counsel will have a period of time to draft their legal briefs, just as they did in previous trials. Once the briefs are drafted, presentations by the parties will commence the week of February 8.

I want to thank the Republican leader for working with us to reach this agreement, which we believe is fair to both sides and will enable the Senate to conduct a timely and fair trial on the Article of Impeachment. The schedule will also allow us to continue the important work of the people, including confirming more members of President Biden's Cabinet.

I want to be very clear about that last point. The Senate will conduct a timely and fair trial.

I want to be very clear about that because some of my Republican colleagues have latched on to a fringe legal theory that the Senate does not have the constitutional power to hold the trial because Donald Trump is no longer in office. This argument has been roundly debunked by constitutional scholars from the left, right, and center. It defies precedent, historic practice, and basic common sense. It makes no sense whatsoever that a President—or any official—could commit a heinous crime against our country and then defeat Congress's impeachment powers by simply resigning so as to avoid accountability and a vote to disqualify them from future office.

This is not merely a hypothetical situation. In 1876, President Grant's Secretary of War, William Belknap, implicated in a corruption scheme, literally raced to the White House to tender his resignation mere minutes before the House was set to vote on his impeachment. Then, as a matter of historical record, he burst into tears. Not only did the House move forward with the five impeachment articles against him, but a trial was then convened in the Senate.

Of course, the question came up as to whether the Senate could try former officials, and guess what. The Senate voted as a Chamber that Mr. Belknap could be tried "for acts done as Secretary of War, notwithstanding his resignation of said office."

Those are the words of the Senate vote in 1876.

Mr. Belknap was ultimately acquitted, but the record is clear. The Senate has the power to try former officials, and the reasons are obvious. A President or any official, for example, could wait until their final 2 weeks in office to betray their country, knowing they could escape accountability or merely resign moments before the Senate decides to convict and disqualify them

from future office. The theory that the Senate cannot try former officials would amount to a constitutional get-out-of-jail-free card for any President who commits an impeachable offense.

Now, it is certainly appropriate for the Senate to take the resignation of an official into account. After all, the House decided not to impeach Richard Nixon because, in that sense, Nixon took some responsibility for his actions. But to state the obvious, President Trump did not resign. He has not demonstrated remorse. He has not even acknowledged his role in the events of January 6, and he has never disavowed the lies that were fed to the American people by him about who actually won the election.

Just to put a final nail into the coffin of this ridiculous theory, I remind my colleagues, if a President is convicted on an Article of Impeachment, the Senate holds a separate vote on whether to bar them from future office. Once a President is convicted of an impeachment charge, they are removed from office. In other words, they become a former official. If we are to believe that the Senate can't hold former officials to account, then the Senate could never proceed to that second vote of disqualification, which is provided for in the Constitution, even for a sitting President.

In saying this, I am expressing the view of legal scholars across the political spectrum. Stephen Vladeck, a prominent constitutional expert at the University of Texas, wrote in the New York Times that Donald Trump is the "poster child" for why the conviction of an ex-President is not just constitutionally permissible but necessary. More than 150 legal scholars signed a letter last week forcefully stating that an impeachment trial of a former President is constitutional. Among the signatories, one of the cofounders of the Federalist Society, as well as one of President Reagan's Solicitors General, among other prominent conservatives.

It is so obviously wrong to suggest that impeaching the President is unconstitutional—that impeaching a former President is unconstitutional. So why are some suggesting it?

Well, there seems to be a desire on the political right to avoid passing judgment, one way or the other, on former President Trump and his role in fomenting the despicable attack on the Capitol on January 6. There seems to be some hope that Republicans could oppose the former President's impeachment on process grounds, rather than grappling with his actual awful conduct.

Let me be very clear. This is not going to fly. The trial is going to happen. It is certainly and clearly constitutional, and if the former President is convicted, there will be a vote to disqualify him from future office.

There is only one question at stake—only one question that Senators of both parties will have to answer before

God and their own conscience: Is former President Trump guilty of inciting an insurrection against the United States?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

CORONAVIRUS

Mr. McCONNELL. Madam President, our Nation has spent nearly a year locked in this terrible battle with COVID-19. This virus that spread from China around the world has taken more than 400,000 American lives. It has effectively cost many children an entire school year. It made us slam the brakes on one of the best job markets in modern history and threw millions of families into financial chaos.

But thanks to a lot of hard work in 2020, the dawn of 2021 has brought a turning point. The genius of science and the support of Operation Warp Speed produced vaccines in record time. And in December, after months of delay, Democrats finally let Congress move ahead with another major rescue package. The light at the end of the tunnel is getting closer, and both Republicans and Democrats are going to continue working together to accelerate victory.

Curiously, the President's candidate to run the Department of Health and Human Services is the famously partisan attorney general of California. His recent experience in health policies seems largely limited to promoting abortion-on-demand and suing groups like the Little Sisters of the Poor, which dare to live out their religious convictions.

In an interview just yesterday, Mr. Becerra compared the current state of vaccinations inherited by the Biden administration to an airplane in a nose-dive—a disaster. He contrasted the status quo with the new administration's stated goal of 1 million vaccinations per day, which he called "ambitious."

There is a problem here. Even the press has repeatedly pointed it out, which said our Nation is already meeting that very pace—already meeting that very pace. That is not a big new goal. It is exactly what they inherited from the Trump administration in Operation Warp Speed.

Inauguration Day, Thursday, and Friday, each topped 1 million vaccinations. As of today, we are averaging 1.16 million shots per day over the last